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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

- v - : VERIFIED COMPLAINT

APPROXIMATELY \$15,130,889.39 IN UNITED :
STATES CURRENCY, FORMERLY ON DEPOSIT :
AT BRIDGEVIEW BANK, IN THE NAME :
OF OPTIMAL PAYMENTS CORPORATION AND : 16 Civ. ____
OPIMAL PAYMENTS INC., :

APPROXIMATELY \$4,051,528.79 IN UNITED :
STATES CURRENCY FORMERLY ON DEPOSIT IN :
ACCOUNT NUMBER 775214899, HELD IN THE :
NAME OF FIREPAY LTD. AT FIRST REGIONAL :
BANK, :

Defendants-in-rem. :
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Plaintiff United States of America, by its attorney,
Preet Bharara, United States Attorney for the Southern District
of New York, for its verified complaint alleges upon information
and belief as follows:

JURISDICTION AND VENUE

1. This action is brought by the United States of America pursuant to Title 18, United States Code, Section 981(a)(1)(C), seeking the forfeiture of approximately \$15,130,889.39 in United States currency, formerly on deposit at Bridgeview Bank, in the name of Optimal Payments Corporation and Optimal Payments Inc., and approximately \$4,051,528.79 in United States currency, formerly on deposit in account number 775214899, held in the name of Firepay LTD. at First Regional Bank (the "Defendant Funds" or the "Defendants-in-Rem").

2. This Court has jurisdiction pursuant to Title 28, United States Code, Section 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture of the Defendant Funds took place in the Southern District of New York.

3. Venue is proper pursuant to (i) Title 28, United States Code, Section 1395(b), because the Defendant Funds are in the Southern District of New York; and (ii) Title 28, United States Code, Section 1395(c), because the Defendant Funds were seized outside the Southern District of New York but then transferred to the Seized Assets Deposit Fund bank account at the Federal Reserve Bank located in the Southern District of New York.

4. The Defendant Funds represent property constituting or derived from proceeds traceable to a conspiracy

to violate Title 18, United States Code, Section 1084 (Transmission of Wagering Information); Title 18, United States Code, Section 1955 (Prohibition of Illegal Gambling Business); Title 18, United States Code, Section 1956(a)(2) (Laundering of Monetary Instruments); and Title 18, United States Code, Section 1960 (Prohibition of Unlicensed Money Transmitting Business), and are thus subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C).

Probable Cause for Forfeiture

5. In or about October 2009, Optimal Group Inc. and its subsidiaries¹ ("Optimal") entered into a Non-Prosecution Agreement (the "NPA") with the United States, wherein, *inter alia*, Optimal agreed to forfeit a total of \$19,182,418.18 i.e., the Defendant Funds, to the United States, representing the property involved in, or proceeds received from, the activities described in the Statement of Admitted Facts, and the offenses set forth above. The NPA, with the accompanying exhibits, is attached hereto as Exhibit A and fully incorporated herein.

¹ Optimal Group Inc., and its subsidiaries, Optimal Payments Corporation, Optimal Payments Inc., and Firepay LTD., are now defunct.

CLAIM FOR FORFEITURE

6. The allegations contained in paragraphs 1 through 5 of this Verified Complaint are incorporated by reference herein.

7. Title 18, United States Code, Section 1956(c)(7)(A) defines the term "specified unlawful activity" to mean, in relevant part, "any act or activity constituting an offense listed in section 1961(1) of this title"

8. Title 18, United States Code, Section 1961(1)(B), in turn, specifically refers to "any act which is indictable under any of the following provisions of Title 18, United States Code: . . . section 1084 (relating to the transmission of gambling information) . . . section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (related to the laundering of monetary instruments) . . . [and] section 1960 (relating to illegal money transmitters)"

9. By reason of the foregoing, the Defendant-in-Rem is subject to forfeiture to the United States of America pursuant to Title 18, United States Code, Sections 981(a)(1)(C).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendants-in-rem and that all persons having an interest in the Defendants-in-rem be cited to appear and show cause why the

forfeiture should not be decreed, and that this Court decree forfeiture of the Defendants-in-rem to the United States of America for disposition according to law, and that this Court grant Plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: August 22, 2016
New York, New York

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Plaintiff United States of America

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